

## **REMARKS**

The present Amendment is in response to the Examiner's Advisory Action mailed April 17, 2008 and the Final Office Action mailed December 13, 2007. Claims 2, 5, and 10-13 are canceled, claims 1, 4, 6, and 14-23 are amended. Claims 1, 3, 4, 6-9, and 14-31 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claims and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

### **I. REJECTIONS UNDER 35 U.S.C. § 101**

Claims 14-22 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. By this amendment, claims 14-22 have been amended to recite a "method" rather than "a machine readable medium."

### **II. Rejection Under 35 U.S.C. § 103**

The Examiner rejected claims 1-31 under 35 U.S.C. § 103 over *Sarbahikari et al.* (U.S. Patent No. 5,477,264) in view of *Watkins* (U.S. Patent No. 6,859,609).

Applicants traverse the Examiner's rejection for obviousness on the grounds that the references – either individually or in combination – fail to teach or suggest each and every element of the rejected claims. *Sarbahikari et al.* and *Watkins*, whether alone or in combination, fail to teach or suggest, in combination with the other elements of claim 1, a method including "providing an audiovisual capturing device configured to receive an external input and to create an audiovisual signal, the audiovisual signal dependent on hardware characteristics of the

audiovisual capturing device, wherein the audiovisual capturing device includes a non-removable memory” and “storing an audiovisual processing program in the non-removable memory of the audiovisual capturing device, wherein the audiovisual processing program is configured to be transferred to a host computer and is further configured to be executed on the host computer, and wherein the audiovisual processing program is configured to process the audiovisual signal to compensate for the hardware characteristics of the audiovisual capturing device.” (emphasis added).

*Sarbahikari et al.* disclose a digital storage device containing enhancement files such as “look-up tables, matrices, compression tables, dynamic range optimization tables, and other files.” Col. 4, lns. 57-67. The enhancement files may be accessed by a camera by means of a card slot in which the storage device is inserted and are processed by the camera itself to enhance images. Col. 4, lns. 50-55. In other embodiments, the enhancement files are transferred from the digital storage device to a computer for processing images. Col. 8, lns. 32-36.

The system of *Sarbahikari et al.* only includes general image enhancement methods such as “look-up tables, matrices, compression tables, dynamic range optimization tables, and other files.” Col. 4, lns. 57-67. The enhancement files are not specific to the hardware characteristics of the camera in the non-removable memory of which they may be stored. In particular, they are not “configured to process the audiovisual signal to compensate for the hardware characteristics of the audiovisual capturing device,” as recited in claim 1. For example, *Sarbahikari et al.* described embodiments where the enhancement programs come preloaded on a memory card. Col. 6, lns. 53-66 (“These software enhancements are normally programmed by the card manufacturer before the card is sold to the user.”) The software enhancements therefore are not disclosed as including any reference to the hardware characteristics of the camera in which they are used.

Furthermore, the system of *Sarbahikari et al.* does not “transmit[] the audiovisual processing program and the audiovisual signal to a host computer,” as recited in claim 1. The enhancement software of *Sarbahikari et al.* is not transferred from the non-removable memory of a camera for execution on a host computer. The enhancement software is transferred from an external storage device such as a memory card or floppy disk to either a computer or the camera.

Col. 11, Ins. 26-29. *Sarbahikari et al.* does not disclose transferring the enhancement files from the non-removable memory of a camera to a computer or removable memory.

*Watkins* fails to remedy the deficiencies of *Sarbahikari et al.* *Watkins* has been cited by the examiner for disclosing an audiovisual recorder. Notwithstanding the teachings of *Watkins* the system of *Sarbahikari et al.* fails to anticipate or render obvious the claims, as noted above.

With respect to claim 14, for the above noted reasons, the cited references fail to teach or suggest, whether alone or in combination, all of the elements of the claim, including “providing an audiovisual capturing device configured to receive an external input and to create an audiovisual signal, the audiovisual signal dependent on hardware characteristics of the audiovisual capturing device, wherein the audiovisual capturing device includes a non-removable memory; and storing an audiovisual processing program in the non-removable memory of the audiovisual capturing device, wherein the audiovisual processing program is configured to be transferred to a host computer and is further configured to be executed on the host computer, and wherein the audiovisual processing program is configured to process the audiovisual signal to compensate for the hardware characteristics of the audiovisual capturing device.” (emphasis added).

With respect to claim 23, for the above noted reasons, the cited references fail to teach or suggest, whether alone or in combination, all of the elements of the claim, including “an audiovisual capturing device configured to receive an external input and to create an audiovisual signal, the audiovisual signal dependent on hardware characteristics of the audiovisual capturing device, wherein the audiovisual capturing device includes a non-removable memory; and means for storing an audiovisual processing program in the non-removable memory of the audiovisual capturing device, wherein the audiovisual processing program is configured to be transferred to a host computer and is further configured to be executed on the host computer, the audiovisual processing program being configured to process the audiovisual signal to compensate for the hardware characteristics of the audiovisual capturing device.”

**CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 28<sup>th</sup> day of May 2008.

Respectfully submitted,

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